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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/361,849 07/27/99 SWENSEN

R 804RP710

EXAMINER

MMC2/1109

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ART UNIT

PAPER NUMBER

2832

DATE MAILED:

11/09/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/361,849**

Applicant(s)  
**Swensen et al.**

Examiner  
**Karl Easthom**

Group Art Unit  
**2832**



☒ Responsive to communication(s) filed on Oct 19, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) 12-22 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2832

1. Applicant's election without traverse of claims 1-11 drawn to Fig. 1 in Paper No. 7 is acknowledged.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Kojima et al. (WO98/29879). Kojima discloses the claimed invention at Fig. 5. Claim 1 is disclosed as follows: first and second PTC elements-51, first and second electrodes 53, third electrode 52, end terminations 55. The subportions of claims 2-3 are 52b. In claim 4, the joining is depicted. In claims 5-6, see the abstract. In claims 7-9, first and second end terminations have two layers as seen in Fig. 5b, in direct contact as claimed. In claims 10-11, the insulating layer is 54.

4. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. Sasaki discloses claimed invention at Fig. 2, where the inner two layers 12 are first and second PTC elements having first, second and third electrodes 18, 20, and 19. In claims 2-4, 18 is separated from 20, and 19 from 19, with one a subportion, and the portions 12 are joined thereat, as to claim 4, because the glass 15 joins the two portions 12 all along 15. s the lack of separation to define such portions for claim 2. The two layers of claim 9 are 21,22  
In claims 10-11, the glass layer 15 meets the claim since it is on the electrodes 18, 20.

Art Unit: 2832

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

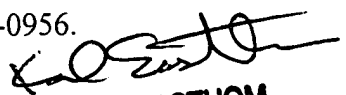
6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. as applied to claim 1 above, and further in view of Hogge. Sasaki discloses the claimed invention except for employing a polymer and a foil. Hogge discloses the materials are well known for laminated PTC circuit protection devices such as that of Sasaki et al., and it would have been obvious to employ same for the purpose of employing readily known and available PTC materials.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Yamamoto (JP61-10203); Kojima et al. (WO98/12715), Murata (JP '507), Zhang et al., Kawase '717 and '309, and Asida et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306. The examiner can normally be reached on M-Th from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Gellner, can be reached on (703) 308-1721. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
KARL D. EASTHOM  
PRIMARY EXAMINER  
11/6/00